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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,871	09/28/2000	Glenn G. Ward	82,144	8767

-7590 02/17/2004

Office of Counsel, Code 004  
Naval Surface Warfare Center  
Carderock Division  
9500 MacArthur Boulevard  
West Bethesda, MD 20817-5700

EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/671,871

Applicant(s)

WARD ET AL.

Examiner

Vanel Frenel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/9/28/00</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Notice to Applicant***

1. This communication is in response to the application filed 09/28/00. Claims 1-33 are pending.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-33 are rejected 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. More ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In present case, claims 1-33 do not show anything in the body of the claims that recite any structure of functionality to suggest that a computer performs the recited steps.

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As such, the above deficiencies may be cured by simply explicitly reciting that the claimed method/process steps are embodied or implemented on a "computer system" or on a "computer readable-medium" within the body of the body of the claim and not just in the preamble (as appropriate), provided Applicant show proper support for such recitations in the originally filed specification.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns et al (5,189,606) in view of Kennedy (5,845,258).

(A) As per claim 1, Burns discloses a method of organizing a workflow management system (Col.21, lines 11-68 to Col.22, line 61), said method comprising: identifying core functions (Col.24, lines 7-40); producing information for each core function, establishing core function units (Col.24, lines 63-68 to Col.25, line 37). Burns does not explicitly disclose integrating said information into a coherent uniform presentation for use by said core function units; and instituting communications among said core function units.

However, this particular feature is known in the art, as evidenced by Kennedy. In particular, Kennedy suggests integrating said information into a coherent uniform presentation for use by said core function units (See Kennedy, Col.1, lines 21-67); and

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instituting communications among said core function units (See Kennedy, Col.3, lines 21-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the feature of Kennedy within the system of Burns with the motivation of providing strategies which included a plan domain, problem selection criteria, change selection criteria, plan optimality criteria, search criteria, termination criteria and sub-strategies, to automate resolution of problems identified in a given plan (See Kennedy, Col.2, lines 47-51).

(B) As per claim 2, Burns discloses a method wherein said identifying core functions includes identifying external core functions selected "from the group ",consisting of life cycle management, acquisition, research and development, test and evaluation, in-service engineering, integrated logistic support, program management and platform management (Col.23, lines 19-68; Col.53, lines 11-68 to Col.54, lines 41).

(C) As per claim 3, Burns discloses a wherein said identified core functions are external core functions including life cycle management, acquisition, research and development, test and evaluation, in-service engineering, integrated logistic support, program management and platform management (Col.52, lines 1-68 to Col.53, line 68; Col.59, lines 1-68).

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(D) As per claim 4, Burns discloses a method wherein said identifying core functions includes identifying internal core functions selected from the group consisting of facility planning, budget strategy and contracting requirements (Col.60, lines 5-68 to Col.61, line 68).

(E) As per claim 5, Burns discloses a method wherein said identifying core functions includes identifying internal core functions selected from the group consisting of facilities, budget and contracts (Col.60, lines 5-68 to Col.61, line 68).

(F) As per claim 6, Burns discloses a method wherein said identified core functions are external core functions including facilities, budget and contracts (Col.60, lines 5-68 to Col.61, line 68).

(G) As per claim 7, Burns discloses a method wherein said identifying core functions includes dividing said core functions into external core functions and internal core functions (Col.52, lines 61-68 to Col.53, line 68; Col.54, lines 1-45).

(H) As per claim 8, Burns discloses a method wherein said identified external core functions are selected from the group consisting of life cycle management, acquisition, research and development, test and evaluation, in-service engineering, integrated logistic support, a program management and platform management (Col.23, lines 19-68; Col.53, lines 11-68 to Col.54, lines 41).

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(I) As per claim 9, Burns discloses a method wherein said identified internal core functions are selected from, the group consisting of facilities, budget and contracts (Col.60, lines 5-68 to Col.61, line 68).

(J) As per claim 10, Burns discloses a method wherein said producing information for each core function includes producing narrative description, procedural description and flow diagrammatic description for each core function (Col.34, lines 1-68).

(K) As per claim 11, Kennedy discloses a method wherein said integrating said information includes issuing a manual, wherein said manual includes narrative description, procedural description and flow diagrammatic description for each core function (Col.5, lines 39-67 to Col.6, line 53).

(L) As per claim 12, Burns discloses a method wherein said establishing core function units includes establishing external core function units selected from the group consisting of life cycle management, acquisition, research and development, test and evaluation, in-service engineering, integrated logistic support, program management and platform management (Col.23, lines 19-68; Col.53, lines 11-68 to Col.54, lines 41).

(M) As per claim 13, Burns discloses a method wherein said establishing core function units includes establishing internal core functions selected from the group consisting of facilities, budget and contracts (Col.60, lines 5-68 to Col.61, line 68).

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(N) As per claim 14, Burns discloses a method wherein said establishing core function units includes: establishing external core function units selected from the group consisting of life cycle management, acquisition, research and development, test and evaluation, in-service engineering, integrated logistic support, program management and platform management (Col.23, lines 19-68; Col.53, lines 11-68 to Col.54, lines 41); and establishing internal core functions selected from the group consisting of facilities, budget and contracts (Col.60, lines 5-68 to Col.61, line 68).

(O) As per claim 15, Burns discloses a method wherein said establishing core function units includes: establishing external core function units including life cycle management, a acquisition, research and development, test and evaluation, in-service engineering, integrated logistic support, program management and platform management (Col.23, lines 19-68; Col.53, lines 11-68 to Col.54, lines 41); and establishing internal core functions including facilities, budget and contracts (Col.60, lines 5-68 to Col.61, line 68).

(P) As per claim 16, Kennedy discloses a method wherein said instituting communications includes instituting at least one type of communications selected from the group consisting of telephone, telefax, correspondence and electronic mail (Col.3, lines 33-53).

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(Q) As per claim 17, Kennedy discloses a method further comprising distributing said coherent presentation among said core function units (Col.5, lines 29-51; Col.7, lines 59-67 to Col.8, line 40).

(R) As per claim 18, Kennedy discloses a method wherein said producing information for each core function includes establishing teams, each said team being charged with producing information for a different core function (Col.9, lines 1-65).

(S) As per claim 19, Burns discloses a method for defining and executing the flow of management operations, said method comprising: establishing plural units, each said unit involving a different core function (Col.21, lines 11-68 to Col.22, line 61); formulating a manual which prescribes said flow both intrarelationally within each said unit and interrelationally between said units (Col.29, lines 30-68 to Col.30, line 68; Col.31, lines 1-58).

Burns does not explicitly disclose enabling communication in and among said units in furtherance of said flow.

However, this feature is known in the art, as evidenced by Kennedy. In particular, Kennedy suggests enabling communication in and among said units in furtherance of said flow (See Kennedy, Col.3, lines 21-67; Col.6, lines 9-67 to Col.7, line 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the feature of Kennedy within the system of Burns with the motivation of providing strategies which included a plan domain, problem selection

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criteria, change selection criteria, plan optimality criteria, search criteria, termination criteria and sub-strategies, to automate resolution of problems identified in a given plan (See Kennedy, Col.2, lines 47-51).

(T) As per claim 20, Kennedy discloses a method for defining and executing the flow further comprising dissemination said manual to said units (Col.5, lines 39-51).

(U) As per claim 21, Burns discloses a method for defining and executing the flow wherein said establishing plural units includes establishing units involving external core functions, said external core function units including life cycle management unit, acquisition unit, research and development unit, test and evaluation unit, in-service engineering unit, integrated logistic support unit, program management unit and platform management unit (Col.23, lines 19-68; Col.53, lines 11-68 to Col.54, line 68).

(V) As per claim 22, Burns discloses a method for defining and executing the flow wherein said establishing plural units includes establishing units involving internal core functions, said internal core function units including facilities unit, budget unit and contracts unit (Col.60, lines 5-68 to Col.61, line 68).

(W) As per claim 23, Burns discloses a method for defining and executing the flow wherein said establishing plural units includes: establishing units involving external core functions, said external core function units including life cycle management unit,

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acquisition unit, research and development unit, test and evaluation unit, in-service engineering unit, integrated logistic support unit, program management unit and platform management unit (Col.23, lines 19-68; Col.53, lines 11-68 to Col.54, line 68); and establishing units involving internal core functions, said internal core function units including facilities unit, budget unit and contracts unit (Col.60, lines 5-68 to Col.61, line 68).

(X) As per claim 24, Kennedy discloses a method for defining and executing the flow wherein said enabling communication includes instituting at least two communication means selected from the group consisting of telephone, telefax, correspondence and e-mail (Col.1, lines 21-67; Col.3, lines 21-67).

(Y) As per claim 25, Burns discloses a method for defining and executing the flow further comprising formulating a policy for continually improving said flow, said formulating a policy including prescribing the periodic updating of said manual (Col.55, lines 34-68 to Col.56, lines 1-68).

(Z) As per claim 26, Burns discloses a method for defining and executing the flow wherein said periodic updating of said manual includes changing at least one channel of said said flow between at least two said units (Col.60, lines 5-68 to Col.61, line 68).

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(AA) As per claim 27, Burns discloses a method for defining and executing the flow wherein said formulating a policy includes adding at least one channel of said said flow between at least two said units (Col.61, lines 3-68 to Col.62, line 68).

(BB) As per claim 28, Burns discloses a method for defining and executing the flow wherein said formulating a policy includes removing at least one channel of said said flow between at least two said units (Col.64, lines 1-68 to Col.65, line 17).

(CC) As per claim 29, Burns discloses a system for performing workflow management, said system comprising: a plurality of core functional units (Col.21, lines 11-68 to Col.22, line 61); a manual for utilization by said core functional units, said manual defining said workflow within and between said core functional units (Col.59, lines 18-68 to Col.60, line 51).

Burns does not explicitly disclose means for communication within and between said core functional units.

However, this feature is known in the art, as evidenced by Kennedy. In particular, Kennedy suggests means for communication within and between said core functional units (See Kennedy, Col.3, lines 21-67; Col.6, lines 9-67 to Col.7, line 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the feature of Kennedy within the system of Burns with the motivation of providing strategies which included a plan domain, problem selection criteria, change selection criteria, plan optimality criteria, search criteria, termination

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criteria and sub-strategies, to automate resolution of problems identified in a given plan (See Kennedy, Col.2, lines 47-51).

(DD) As per claim 30, Burns discloses a system for performing workflow management wherein said core functional units comprise external core functional units including a life cycle management unit, an acquisition unit, a research and development unit, a test and a evaluation unit, an in-service engineering unit, an integrated logistic support unit, a program management unit-and a platform management unit (Col.23, lines 19-68; Col.53, lines 11-68 to Col.54, line 68).

(EE) As per claim 31, Burns discloses a system for performing workflow management wherein said core functional units comprise internal core functional units including a facilities unit, a budget unit and a contracts unit (Col.59, lines 18-68 to Col.60, line 68).

(FF) As per claim 32, Burns discloses a system for performing workflow management wherein said core functional units comprise: external core functional units including a life cycle management unit, an acquisition unit, a research and development unit, a test and evaluation unit, an in-service engineering unit, an integrated logistic support unit, a program management unit and a platform management unit (Col. Col.23, lines 19-68; Col.53, lines 11-68 to Col.54, line 68); and internal core functional units including a facilities unit, a budget unit and a contracts unit (Col.23, lines 19-68; Col.53, lines 11-68 to Col.54, line 68).

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(GG) As per claim 33, Burns discloses a system for performing workflow management, wherein said means for communication include telephone, facsimile transmission, correspondence and electronic mail (Col.55, lines 16-68 to Col.56, line 43).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches computer based process for strategy evaluation and optimization based on customer desired outcomes and predictive metrics (5,963,910), automated interfacing of design/engineering software with project management software (4,875,162) and product planning, development and program management information system and method (2002/0082950).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F

V.F

February 7, 2004

*Alexander L. Krawinkel*  
Alexander L. Krawinkel  
Primary Examiner  
Au 3626